

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL CASE NO. 2:12-cv-00072-MR-DLH**

SEGER WILLIAMS,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER OF REMAND</u>
)	
CAROLYN W. COLVIN, Acting)	
Commissioner of Social Security,)	
)	
Defendant.¹)	
_____)	

THIS MATTER is before the Court on the Defendant’s Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) [Doc. 12].

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a

¹ Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure and the last sentence of 42 U.S.C. § 405(g), Colvin is hereby substituted for Michael J. Astrue as the Defendant in this suit.

rehearing.” The Defendant here has moved for reversal of the decision and for remand of this case for further administrative proceedings.

The Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991). Upon remand, the Appeals Council shall remand this matter to the Administrative Law Judge (“ALJ”). Upon remand, the ALJ shall be instructed to conduct a new hearing and issue a new decision. The ALJ shall be instructed to: (1) further evaluate Plaintiff’s maximum residual functional capacity and, in so doing, address and evaluate Ms. Placide’s opinion pursuant to SSR 06-3p; and (2) if warranted, obtain supplemental vocational expert evidence to clarify Plaintiff’s ability to perform other jobs existing in significant numbers in the national economy.

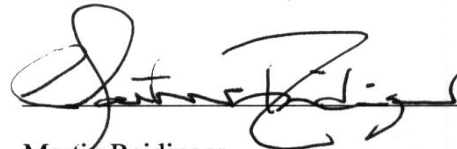
IT IS, THEREFORE, ORDERED that the Defendant’s Motion for Reversal and Remand Pursuant to Sentence Four of 42 U.S.C. § 405(g) [Doc. 12] is **GRANTED**.

IT IS FURTHER ORDERED that the decision of the Commissioner of Social Security is hereby **REVERSED** and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

IT IS SO ORDERED.

Signed: March 22, 2013


Martin Reidinger
United States District Judge

